

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES GARRISON	:	CIVIL ACTION
	:	NO. 07-689
v.	:	
	:	
SUPERINTENDENT WILSON, <u>et al.</u>	:	

ORDER

AND NOW, this 7th day of November, 2007, upon careful and independent consideration of the pleadings and the record herein, and after review of the Report and Recommendation of United States Magistrate Judge Peter B. Scuderi, and having received no proper objections thereto,¹ it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**.
3. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ Bruce W. Kauffman
BRUCE W. KAUFFMAN, J.

¹ In his only written objection to the Report and Recommendation, Petitioner advances the new argument that the Pennsylvania Parole Board violated his due process rights by lodging a detainer against him for his conviction in 2000 instead of an earlier conviction in 1993. However, “a habeas petitioner may not raise new claims for the first time in objections to a Magistrate Judge’s Report and Recommendation.” Catanch v. Larkins, 1999 U.S. Dist. LEXIS 11198, at *10 (E.D. Pa. July 23, 1999); see also Kirk v. Meyer, 279 F. Supp. 2d 617, 619 (E.D. Pa. 2003) (“Although the Third Circuit has remained silent on the precise issue, the vast majority of authority holds that a district court may properly refuse to hear claims not first presented to the assigned Magistrate Judge.” (citing cases)). Accordingly, because Petitioner’s new argument was never presented to Magistrate Judge Scuderi, it is not properly before the Court and will not be considered.